



**NON-GOVERNMENT**  
(Voting)

Jim Coon  
*Business and Commerce*

David Hoffman  
*Citizen-At-Large*

Dale Hazlehurst  
*Commercial Shipping*

Louis M. Herman, Ph.D.  
*Conservation*

Liz Kumabe  
*Education*

Philip Fernandez  
*Fishing*

Luana Howell  
*Hawai'i County*

Terry O'Halloran  
*Honolulu County*

Sharon Pomroy  
*Kaua'i County*

Robin Newbold  
*Maui County*

Trisha Kehau Watson  
*Native Hawaiian*

Teri Leicher  
*Ocean Recreation*

Adam Pack, Ph.D.  
*Research*

Michael Stanton  
*Tourism*

Reginald A. White  
*Whale Watching*

Gina McGuire  
*Youth Member (non-voting)*

**GOVERNMENT**

Marmie Meyer  
*DBEDT - OP*

Vacant  
*DBEDT Ocean Resources*

Vacant  
*DLNR - DAR*

Vacant  
*DOH*

Dean Watase  
*DOT - Harbors*

Gene Brighthouse  
*Fagatele Bay NMS*

Jerry B. Norris  
*OHA-Voting*

Take Tomson  
*NMFS - Law Enforcement*

Lisa Van Atta  
*NMFS - PIRO*

`Aulani Wilhelm  
*Papahānaumokuākea MNM*

Eric Kingma  
*WESPAC-Voting*

Athline M. Clark  
*US ACOE*

Eric Roberts  
*US Coast Guard*

Rebecca Hommon  
*US Navy*

**Hawaiian Islands Humpback Whale National Marine Sanctuary**

**Sanctuary Advisory Council**

***Fifty-Ninth Meeting***

December 15, 2010

9:00 a.m. to 5:30 p.m.

6600 Kalaniana`ole Highway,  
Suite 301, Honolulu, Hawaii 96825

**Attendance**

***Primary Council Members Present:*** Philip Fernandez, David Sakoda, Jim Coon, Terry O'Halloran, David Hoffman, Becky Hommon, Luana "Nan" Howell, Trisha Kehau Watson, Liz Kumabe, Teri Leicher, Allen Tom, Marnie Meyer, Jerry Norris, Adam Pack, Take Tomson, Eric Roberts, Mike Stanton, Robin Newbold, Lisa Van Atta, Lisa White, Reg White, `Aulani Wilhelm, Sharon Pomroy, Gina McGuire

***Alternate Council Members Present:*** Cindy Barger (for Athline Clark)

***Excused:*** Athline Clark, Gene Brighthouse, Eric Kingma, Lou Herman

***Others Present:***

Malia Chow, Joe Paulin, Christine Brammer, Lauren Garske, Kanani Frazier, Ed Lyman, Ed Lindelof, Micki Ream, Hans Van Tilberg, Earl Miyamoto, Paul Wong, David Mattila, Patty Miller, Justin Viezbecke, Joey Lecky, Jean Souza, Fiona Langenberger

**Distributed Materials**

**Additional Meeting Materials Distributed**

- MPR Issues Identified
- Maritime Heritage and the HIIHWNMS
- HIIHWNMS 2011 Sanctuary Ocean Count Flyer
- Ocean Literacy Brochure
- Climate Literacy Brochure

**Additional Materials Available to Council**

- Maui County Resolution
- Hawai'i County Resolution
- OCNMS Public Scoping and Issue Analysis

**Other Materials Distributed via Email and Available Upon Request**

- Meeting Agenda
- Acting Chair's Report
- Sanctuary Superintendent Report
- State of Hawai'i Report



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

- Hawai'i County Report
- Kaua'i County Report
- Maui County Report
- Education Committee Report
- Conservation Committee Report
- Research Committee Report
- Aquaculture Working Group Report
- Fishing Seat Report
- USCG Report
- Assessing the role of scientific information in SAC recommendations and NMS management decisions

### **Call to Order**

Adam Pack calls the meeting to order at 9:21 am. Emphasizes the focus on recent public comment period and the next steps for the MPR process. Adam Pack had asked members to look at comments posted on the website; impressed with the number and breadth of comments from all the islands. Highlights duty to take the input and examine the concerns of the public to determine what the sanctuary is currently doing about those issues, and what the SAC would consider suggesting in the future. Offers format of series of working groups to focus on key areas which were identified by the public. Major goal of meeting: get update of this process, be advised of working groups and see if SAC is satisfied or wants modification, get chairs for the working groups.

Teri Leicher takes roll. Brief introductions.

### **Member Recognition**

Finishing terms: Terry O'Halloran, Mike Stanton, Lou Herman, David Hoffman, Jim Coon, Teri Leicher, Reg White

### **Approval of Meeting Minutes #58**

Adam Pack asks for a motion to approve the minutes from meeting #58. Jim Coon makes the motion that is seconded by Nan Howell. The minutes from meeting #58 are approved unanimously.

### **Public Forum**

No public comments.

### **Island Coordinator Reports**

Patty Miller gives Maui County update for MPR-related activities. Highlights that Lana'i is completely surrounded. Notes that there will be new SAC members for Moloka'i and Lana'i. April: informational meetings on all three islands. June: scoping meetings. Main concerns: water quality (especially on Maui), more regulations for the whales, ecosystem-based sanctuary, Maui also wants to be surrounded by sanctuary waters. Updates: Maui County Council Resolution (in



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May/June) which asked for more regulations for whales, water quality assistance, and ecosystem-based sanctuary. Have met with 2010 County Council members and is setting up meeting with new members and new County employees. Met with Surfrider Foundation which is in favor of water quality assistance. Put focus on meeting with various environmental groups to update them on what we're doing as a sanctuary and what the MPR will be addressing. Also includes MPR information in OPACA participants and OAT trainings. Also continually update Maui volunteers. Robin Newbold has been key in pulling together different community groups for water quality issues especially. Bob Carroll new Hana County Council member is interested in new sanctuary programs for Hana. Allen Tom points out that we're making ourselves available to everyone, not just environmental groups. Teri Leicher asks if there were any specific requests for regulations for whales. Patty Miller answers more enforcement, speed limit regulations (not just more education). A concern was expressed that input reflects a limited perspective. Patty Miller clarifies and Allen emphasizes that we're just offering a sample of everything we've heard.

Paul Wong gives O'ahu update. Shows map to remind boundaries. Reiterates the informational meetings and scoping meetings, which were both held on the North Shore and in Honolulu. We heard comments about enforcement, more rules, too many rules, duplication, increased protection for whales, additional species had both sides (need protection vs. already protected), ecosystem-based sanctuary, sanctuary should go away, water quality, Hawaiian cultural perspective, aquaculture. Examples of outreach for MPR presentations and activities for communicating with the community. Opportunities for collaborations: emphasizes that there are many other groups that could be engaged, and the SAC could help with this.

Jean Souza gives Kaua'i update. Notes that Sharon Pomroy and James Yamamoto were very involved in many public meetings (not just the informational and scoping meetings). Provided a lot of materials to various groups. Range of comments during scoping period, not just during the scoping meetings: not doing enough for whale protection and research, need to include other species and expand boundaries, need to preserve access for users, no need for federal government in ocean resources management, no need for expansion, no need for the sanctuary since the whales have recovered, need to protect Hawaiian culture and gathering rights, don't want Ni'ihau closed off, opposed to enforcement, expand education, support discovery center. Ongoing activities: meetings with individuals, constituencies, agencies...around the island and particularly in sanctuary communities. Volunteers are a key part and they're well-updated. Continue to ramp up for whale season. Good communication with SAC members. Adam Pack comments that he's happy to see that Sharon Pomroy and James Yamamoto were involved in certain activities and meetings. He encourages everyone to make an effort to be involved, and work in close coordination with the island coordinators so that everyone has a good sense of the public sentiment and what their concerns are. Jean Souza notes that she, Sharon Pomroy, and James Yamamoto have reached out to 7 times more people who have come to scoping meetings.

Justin Viezbecke comments that all communities have been different. Main concerns from the meetings (but notes that there's a wide range): more regulations, more boundaries, ecosystem-based, aquaculture, too much government. MPR-related updates: Hawai'i County Council Resolution really supports the MPR process, has met with 2010 County Council members and they've noted that the County Council needs to just be more involved with their areas, update scheduled for February 1<sup>st</sup> because the County Council wants to hear what goes on at this SAC



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meeting, has been including MPR segment in every presentation he gives, highlights the Puako community which is a high-use area with big concerns. Adam Pack asks other island representatives whether their County Councils also want to be kept abreast. Allen Tom answers that O'ahu not so much, but the connections are being made; but the neighbor island have definitely indicated that they want to be kept updated.

Terry O'Halloran asks what the status is on the co-manager position. Lisa White answers that the recruitment hasn't been opened yet. Adam Pack reminds everyone that he was invited to be a part of the selection process for the new superintendent and he says it occurred last week, 7 interviews whittled down from 70.

Adam Pack had asked Allen Tom to give overview of how the boundaries got to where they are right now. Starts by giving example of Hilo meeting. If you go back to original document in 1997: all waters except Ni'ihau were proposed by NOAA. Governor Cayetano had veto authority, like Governor Abercrombie has now. Governor Cayetano reduced the boundary to the way it is now. It's hard to justify bringing sanctuary programs to Hilo because there is no boundary there. Adam Pack continues...the boundaries now reflect where the highest densities of whales were found at that time. As we know, the number of whales has increased, there are about 10,000 coming down every year, so there are more whales in different places now. The 100-fathom isobaths is also based on the studies from the time of designation. Take asks why Governor Cayetano cut the boundary. Allen Tom answers that there was just uncertainty about the sanctuary program, and it was meant to be more of a trial run to focus on where the whales were at that time. Ed Lindelof notes that the case of a cautious governor is not unique to Hawai'i; it's occurred in other sanctuaries. E.g., Thunder Bay, "we'll see how it works out," the County Commissions now want expansion. Allen Tom says that across the board, there's a pattern of mistrust; Ed Lindelof says then it leads to growing support; Allen Tom notes that people start to say that we're not doing enough. Philip Fernandez asks what the Mayor's office wants the sanctuary to do in Kealahou Bay; Allen Tom answers that it may be more about supporting initiatives that are already in place. Robin Newbold asks what attitude is more common: more sanctuary or less sanctuary. Allen Tom answers that it's different in all communities: Kaua'i doesn't want, Maui wants more (e.g., the Maui County Council passed their resolution very quickly). So in the future, there won't be a one-size-fits-all and there will be a lot of different community-based directions. Adam Pack points out that the comments on the website are all broken down by island, so it's useful to see what's specific to different communities; this will be useful for the working groups.

### **MPR Presentations**

Malia Chow discusses the MPR process and emphasizes that she's really speaking on behalf of all staff who have been involved. MPR timeline: we're pretty much on track. It was really initiated by the March 2010 workshop on Maui. The last SAC meeting was prior to the 90-day comment period.

### *Summary of Comment Period*

Handout of submissions accounting. Kanani Frazier provides overview of total numbers, summary of submission types, take-away for MCBI is that we are getting a lot of international



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input and US input. Brenda Asuncion provides overview of submissions from scoping meeting, agencies/organizations, and individuals. Difference between Kaua'i ballot and fishing community

petition, the fishing community petition had one statement that people signed to agree, no additional comments. Ballot differed in that it was a multiple choice question format.

All this detailed information will be in the scoping report. The raw comments will also be in the scoping report.

### *Scoping Comment Analysis*

What we did with the comments: all the islands coordinators and staff read and touched every single comment. Then they were put into placeholder homes, "bins", not necessarily for or against. Next step was to try to understand what the key issues are...separate them from overarching considerations (socioeconomic/livelihood/access, traditional perspectives, environmental impacts, community engagement). List of issues: water quality, humpback whale protection, ecosystem protection (species and habitat), enforcement, marine animal assessment and response, ocean literacy, Native Hawaiian culture, maritime heritage, management effectiveness, offshore development, climate change. Potential solutions: research, outreach and education, boundaries and zones, regulations. The solutions and overarching considerations are weaved into the issues list. Raw comments are retained throughout all of this.

Allen Tom: 10,000 foot perspective, please! Back to the timeline. Malia Chow reminds everyone that Adam Pack started by saying that we need to consider how the SAC can help to move forward.

Malia Chow: we need a whole base of data to support the direction that the sanctuary ends up going in. We've been processing a lot of information that's come from the public.

Ed Lindelof: we've finished the scoping process, we've come out of listening to the public, we have a huge pile. We need to get from that pile to a draft and final plan...need to move from a pile of comments to actually having a plan with activities, strategies, and potential changes to the management plan. What is typically done in all sanctuaries is to engage the advisory council in the process by going through a series of steps to go from the comments to the plan. Need to make sense of the comments...do they tend to aggregate into a list of issues? There are usually only so many issues in a MPR. There's a lot of repetition, so they can be lumped together...that's how we got this list of bins. Management plans tend to be issue-based...but the public doesn't really give clean issues, they say what to do, they offer activities and solutions, they say overarching things. Nothing was thrown out because whoever writes the management plan needs to have an organized, useful sense of the full breadth of comments. "No comment left behind."

Phil Fernandez: There's no ranking of the issues right now. Somehow, we need to get to a ranking which indicates what's critical. We also need to figure out the overall goal and objective to provide a framework that we work within. I've heard from the fishermen: why do we even need the sanctuary? Well we need an answer to say: we need it because of this this and this.



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Malia Chow: the working group process will work out the goal and objective...it will be a working group process so that it can be a public process. Re: the ranking, the prioritizing comes in when you consider resources and funding available. But first, it's important to establish the priority issues to address.

Phil Fernandez: This is all forward-looking...shouldn't there be an analysis of where we've been, what the goals were in the original management plan, did we accomplish everything we said we'd do.

Malia Chow: there was a full analysis done on the 2002 management plan, and that will come out with the scoping report.

Joe Paulin: As a part of that analysis a year ago, we looked at what we do as a sanctuary and how that fits in with other agencies are doing...think about Ocean Resources Management Plan.

**Break:** Adam Pack called for a break at 11:10 a.m.

**Call to Order:** Adam Pack reconvened the meeting at 11:20 a.m.

### **MPR Presentation continued**

#### *List of Issues*

Ed Lindelof: We need to make sense of all the comments to help form the future of the sanctuary through strategies and activities in the management plan. We didn't want to lose any information that the public offered because there was clearly a lot of passion. In the end, it doesn't matter how things were aggregated, but rather that everything was in there. We're gonna go through all the issues to understand what they actually mean.

Adam Pack: after we go through the list, we're gonna have a discussion about whether the SAC is satisfied with the list of issues, whether anything is missing, whether we concur, we'll vote on it.

Ed Lindelof: the management plan will be built around those issues. The next direct step is that people will gather around these issues to address them more specifically.

Joe Paulin stated that water quality was a priority issue for many communities that was identified during the public comment and scoping period.

Becky Hommon: I thought in the past, the researchers have always said this isn't an issue for the whales.

Joe Paulin: We've heard multiple times that the sanctuary should consider going more ecosystem-based since this is the only sanctuary in the system which focuses on single species.

Eric Kingma: The sanctuary could probably figure things out for vessel discharge. What could the sanctuary do more in terms of injection wells and runoff, since they're sort of covered by different mandates?





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Joe Paulin: This is where collaboration could come in, with people who already deal with this issue.

Allen Tom: we're not dealing with it now, working groups will tackle it.

Ed Lindeloff: You brought up a good point, there are things that aren't in the jurisdiction. This is common in comment period, they say things that are not applicable. At this point, we haven't sifted through and said "this doesn't make sense". Rather, everything will go to the working group, and their function is to go through and figure out whether it makes sense for the sanctuary.

Eric Kingma: It will really help to know what the sanctuary can and cannot do, legally.

Jim Coon: The Hawaiian concept of management was more holistic. It becomes sanctuary's kuleana if something comes down to the water and you can't stop it at the water. Although the sanctuary may not have authority on injection wells, but we don't want it in the sanctuary, so we'll collaborate with the right people to stop it at the source.

Joe Paulin: For the purposes of offshore development, the area from the coastline out to sanctuary boundary will be included.

Patty Miller: Ocean Literacy...Education and Outreach started as a main bin, but then we figured out that it was a tool, because every category will need education and outreach. However, Ocean Literacy was identified as the real issue of concern. Refer to pamphlet...there are 7 main things that we hope to focus on.

Brenda Asuncion gives overview of Native Hawaiian Culture topic.

Hans Van Tilburg: Maritime archaeological resources are actually quite common in Hawai'i. It's not a question of creating regulations for these resources because there are already mandates in place for inventory and protection. However, many of those mandates go unmet. Throughout the sanctuary system, there is active management for these resources except in the HIHWNMS. There actually is benefit for the recreational community.

Jim Coon: Since there are already mandates in place, regardless of what happens with boundaries and MPR, would the sanctuary have to do something?

Hans Van Tilburg: We can't not do anything. Example: Spanish galleon may be in sanctuary waters, and NOAA has relationship with Spain to preserve these types of things, State doesn't have the capacity to conduct inventory. Some type of management will have to occur.

Kehau Watson asks if Section 106 consultations would be applicable for maritime heritage and Hans confirms.

Sharon Pomroy asks if Section 106 would also apply to petroglyphs on the reefs in the ocean and Hans Van Tilburg confirms.



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Ed Lyman: Marine Animal Assessment and Response, I look at this program as an extension of the research program. There's already a response network in place, those connections with agencies and communities applies to other animals as well. It's already a community effort, there has been indication of support for continuation and expansion.

Lisa Van Atta notes that NOAA Fisheries appreciates all the work.

Robin Newbold asks if this group would focus on individual species or ecosystem and Ed Lyman responds that it could be both.

Teri Leicher: There's been confusion about what to do when you find an animal in distress, would help to unify efforts and clarify who to go to

Adam Pack: One of the issues is that currently the mandate is only humpback whales, but we all know that sanctuary staff handle other species.

Ed Lyman: We have different roles, in recent turtle stranding effort, sanctuary staff assisted, but stepped back in clearing the turtles...we fill different niches.

Malia Chow: Good segway into management effectiveness. This encompasses budget, staffing, what we accomplish, collaborations and coordinations with partner agencies.

David Mattila: Humpback whale protections, this has been our kuleana. Getting to the implementation question (from Philip Fernandez), we could think about that in this topic. Wide range of comments and we have to find a balance in there. Fisheries is currently reviewing the status of the population, not determining whether they're recovered, but whether they are endangered or not. Comments have said that this is such a special place for humpback whales which are iconic.

Adam Pack: I would suggest that research is included here, we do not know everything that we need to know, not just in Hawai'i, but worldwide. E.g., mating system, song...for effective conservation, we need to understand more.

David Mattila: For the working group to consider, what are the data gaps, what do we need to know.

Teri Leicher: I've been hearing a lot about recovery and that there's no need for protection, so what's the historical estimate?

David Mattila: That's the problem, we don't know what the original population was, there may not even have been any 200 years ago, so it's uncertain what the carrying capacity is. So for NOAA Fisheries, it's hard to determine whether they've recovered.

Robin Newbold: Has there been any discussion about protecting their summer habitat.





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David Mattila: We've learned that a lot of the entanglement threats come from Alaska, so we've made our expertise available to Alaska to prevent that threat.

We're investigating another partnership with Glacier National Park.

Lisa White: Ecosystem Protections, Species and Habitats...this is a key issue coming out of this management plan review. Comments questioned the addition of more, what species would be added. It will likely start more from a biological viewpoint and expand to consider functions and services.

Paul Wong: Enforcement, we heard a lot about the need for more of it, new regulations. We also heard that there may be too many rules, too much overlap. We already have an interagency law enforcement task force...includes NOAA OLE, Coast Guard, General Counsel, DOCARE. This issue is being served by this task force to address current issues. Paul Wong says that enforcement is already being addressed as a task force, but the SAC will decide whether to form a separate working group around it.

Teri Leicher: The public should be involved, the task force isn't really public. I've been hearing that there's a lack of enforcement and more new regulations and unnecessary rules may be created to compensate for the lack of enforcement.

Kehau Watson asks if anyone from the counties is in the task force and Paul Wong responds that currently there is not.

Paul Wong: Climate Change. We've heard that global warming, ocean acidification, climate change in general. These comments were all in the context of an ecosystem based sanctuary. We also heard that the sanctuary should green its operations.

Adam Pack asks if everyone is in agreement with these issues, and if anyone has questions.

Jim Coon asks about marine spatial planning.

Malia Chow: We do have a bin with "spatial information" come, there was a lot of place-based information. We will use it as a way to synthesize information in the future.

Ed Lindelof: Look at Issues process slide...it's not really an issue, it can be a tool. If we knew areas where certain species were living, and we decided that their protection was an issue, we could use the spatial information and planning to implement that protection. So it's more a tool to affect change.

Gina McQuire: For increasing enforcement and marine animal response, would budget and finance be an issue?

Malia Chow: Anything to do with budget, we put into management effectiveness.



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Ed Lindelof: For each of the action plans in the future management plan, we'll look at how much the activities will cost. That's when we step back and decide if there should be prioritization. Part of the management plan process is determining cost, and then we'll have to deal with whether we can do everything.

Phil Fernandez: You have 10 issues, was there an 11<sup>th</sup> one that fell off?

Malia Chow responds that nothing fell off, but things might have gotten lumped together. Patty Miller offers the example of education and outreach and David Mattila notes that offshore development includes a lot of things. Malia Chow notes that fishing got lumped into ocean users and access, livelihoods, socioeconomic concerns.

Adam Pack asks where fishing gets dealt with, and Malia Chow suggests that everyone discuss this as many of the comments were about fishing.

Joe Paulin: Fishing was one of those things that went across the whole list of issues. It's engrained in everything.

Adam Pack: I'm fearing that it'll get lost.

Kehau Watson: It would be a major issue, since it is one of those things that's overarching.

Terry O'Halloran: The vote is going to be on issues, so it leaves out the overarching considerations. It seems disjointed, it doesn't make sense to leave out a discussion of the overarching.

Malia Chow: That's exactly why we elevated some things...we didn't want the overarching things to be in isolation.

Phil Fernandez comments that Native Hawaiian Culture should be an overarching consideration and Adam Pack points out that it is.

Allen Tom: If you want to have a fishing working group, do it. You're advising us, this is for you to discuss.

Malia Chow: We do have recommendations and we can get to that now, but we can also hear others' input.

Becky Hommon comments that she feels set up to endorse this list.

Adam Pack: We were just going through all the work that the sanctuary's done to date.

Becky Hommon: I don't think you need the SAC to vote on that, you're providing information to the SAC, we're not going to do the staff's job.

Malia Chow: We've been listening for the last 9 months, and we heard from both sides. We want to talk about substance, our role is to bring people together to get advice. We need to start



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somewhere. We want to convince you that staff did not make these decisions in a vacuum, we've brought the comments along.

Teri Leicher: The list of issues encompasses all the public comments. I agree that fishing should be with Native Hawaiian Culture.

Jim Coon: I think it's more socioeconomic / livelihood / access.

Kehau: Native Hawaiian Education Council just did the same prioritization process. There are certain things that are essential. I would like to see what all the working groups come up with, but in reality, there are so many hours in a day. At the end of the working groups' work, everything will be integrated. SAC endorsement is necessary because we're here to engage in these issues. I see fishing coming up in many places.

Eric Roberts: We may have missed Gina's point and budget may be an overarching thing as well.

'Aulani Wilhelm: Be assured, you're in a beautiful chaos right now. There's no right or wrong way to do it. Maybe ask for SAC endorsement as a starting point, rather than an end-all list. Maybe start with the overarching working groups and then go into the issue working groups, because you need agreement on the issues first. For the monument, fishing was a huge issue, it was a driver. Right now for whales, fishing is not an issue or driver. It's an issue because people get worried. It should be talked about upfront and always, but it's not really an issue. If it is, it will likely add another year to this process. The SAC shouldn't have to solidify the list right now.

Eric Kingma: I think it's important that fishing is listed up there, but we shouldn't be boxed in to these issues today. Regarding enforcement, there may not be substance for a working group to talk about...same thing with fishing. We haven't really discussed what the management is asking the SAC members to do regarding these points...we've heard about workshops, working groups...but what does it really mean.

Philip Fernandez: 'Aulani Wilhelm is right on with her comments about fishing. Unless we call out fishing now, it'll just drag down the process, and grind it down. Obstacles will be put up and the MPR will die. If we address it so that people know that there's a level of concern, people will go along and help. I can't take this and show it to fishermen and tell them that fishing is not an issue. It may not be an issue as you explain it in your technical terms, but it needs to be seen.

Malia Chow asks if we just make it clear that socioeconomic includes tour operators, fishing and other ocean users, would that make it better, and Phil Fernandez says yes.

Jim Coon: Moving back, one of the big obstacles during the sanctuary's designation, socioeconomic issues was a big thing too. The sanctuary did a good job about avoiding being heavy-handed, and emphasizing the whales. Maui was initially contentious, and the concept of expanding to all the islands was (1) a buffer for the ocean user community and (2) good for the scientific data about distributions. NMFS moved to get support from ocean users by focusing on



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deliberate harassment rather than the fact that boats encounter whales at a certain rate just by traveling in the ocean. When you consider deep issues, it's important that those stakeholders feel that their being heard, and they're comfortable with where you're going.

Robin Newbold asks 'Aulani Wilhelm why a year would be added to the MPR process if fishing was a priority issue.

'Aulani Wilhelm: It's not that you shouldn't address fishing, but it's not a resource issue. It has to be considered as context for issues. Alone, it can take a life of its own, it needs bounds for what you're actually trying to do.

Sharon Pomroy: I can't go back to Kaua'i and tell all those signatures that they're a non-issue.

Ed Lindelof: Sharon, I think you're right. The issue list was supposed to get us to working groups. If we had a fishing group, it leaves out the other on-the-water groups. This is why it's in the socioeconomic group. The question is how to portray that information. How are we dealing with the overarching concepts as context for the other issues? Perhaps each of the issue groups could have an on-the-water stakeholder member in order to address the overarching thing.

'Aulani Wilhelm: Same thing for Native Hawaiian and Community Member.

Kehau Watson: So can we have Ocean Users and Fishing as a separate overarching bullet?

Phil Fernandez: Agree, need ocean users and/or fisher on every working group, I disagree that a fishing working group would get out of hand and go every other way. I think it's a matter of leadership.

Becky Hommon: It's hard to accept, but national defense is an ocean user as well. There are more ocean users than just fishermen. The Navy submitted comments, and is very concerned about the process...trying to write a management plan at the same time that the sanctuary is trying to be changed from single-species to ecosystem-based. It's such a major change: how can you write a plan without knowing what you're planning for?

Ed Lindelof: There's a difference of opinion between the Navy and NOAA whether under the NMSA the sanctuary can take on more species. The Navy thinks that any changes have to be made by Congress since the sanctuary was designated by Congress. NOAA thinks that modifications can be made using the provisions in the NMSA.

Malia Chow: There's no pre-determined outcome in this process. There is a mandate to consider additional resources, and we feel that this is the time to consider them. We just want to surround ourselves by a lot of smart people and figure out the current state of affairs on all these topics. There will be a full EIS, and there will be a range of alternatives.



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Adam Pack: Here's what I've heard...Ocean Users – examples in parentheses (powerpoint presentation modified based on SAC input). With those changes, are these overarching considerations, issues, potential solutions a good place to start as a reflection of the public comments?

Kehau Watson: Rather than say budget, what about resource issues? Like community resources, for example...each working group could consider additional resources besides funding.

Adam Pack: So what about Resources as an overarching consideration.

MOTION: Adam proposes the following for consideration: "The SAC agrees that, as presented by sanctuary staff, the overarching considerations, list of issues, and potential solutions are a reasonable starting point to reflect the comments of the public on the management plan review." Jim Coon moves, Teri Leicher seconds.

VOTE: unanimous vote of agreement.

**Working Lunch:** Adam Pack calls for a working lunch at 1:05 p.m.

### **Additional Presentations**

Lauren Garske – National SAC Research Project

**Public Forum:** No comments.

### **New Business**

#### *SAC Participation in MPR Working Groups*

Ed Lindelof: We have the issues and we know we want management actions. We need science and input, but how do we get there? You can use working groups. You can just have the staff write the recommendations, because the expertise is there. Sometimes there's an existing interagency task force that's used, especially if their charge is similar to the issue. You can have workshops if you don't need a series of meetings through an extended period of time...sometimes you just need the best minds for one day...very cost-effective. Always have to be concerned about cost.

Here's how working groups go. Always staff members involved, always a SAC chair, then there's usually public stakeholders and scientific and technical experts. It can be large or small. Working groups generally meet over a period of time. They take the issue, they take the raw comments, they bring their own knowledge and experience and they figure out what they think the sanctuary should do about the issue. In Hawai'i, there is a unique problem because there are different islands.

Now, thinking further than the management actions, the recommendations from the working group would go through the whole SAC to the sanctuary management to deal with.



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

Allen Tom: can you give example of Olympic Coast? Just walk us through what exactly has happened.

Ed Lindelof: Stellwagen...there was an Ocean Literacy working group. There were SAC members, staff, university and school system and public relation representatives. They came up with a series of actions with how the sanctuary could deal with ocean literacy within the context of that sanctuary. Note that the 2002 Management Plan for this sanctuary is the same format that management plans are generally written, there are action plans, strategies, activities, a timeline, and cost.

Eric Kingman: Not clear of how we get to preferred alternative when we don't know what we're doing right now.

Ed Lindelof: The working groups will be directly connected to the sanctuary's preferred alternatives. The EIS will be a further analysis, and out of that, NOAA will decide how to move forward.

Michael Stanton: Why say that it's automatically going to be an EIS?

Ed Lindelof clarifies that it's not really decided, but he meant that we're prepared to do a full EIS. Michael Stanton asks what decides that, and Ed Lindelof says an EIS is needed if there's any change in terms of designation such as boundaries, things that are managed. Basically anything more than business-as-usual.

Cindy Barger asks if requests to reduce the sanctuary trigger an EIS, and Ed Lindelof answers Yes.

Robin Newbold : Was there any indication from the state that they support expansion?

Allen Tom: We haven't gotten an indication of bigger boundaries, but they want us to go through the process. They're willing to give it a thorough look.

Ed Lindelof: Generally, that's how it goes. Governors and counties will wait for a draft proposal and then say whether they think they can support it or not. Sometimes they say they want to hear the public's reactions to the draft proposal. It's unusual to get strong support early in the process.

Robin Newbold: Since this is a lot of work and time-consuming, would it make sense that they be included in the working groups?

Allen Tom: They are here, through Lisa White.





## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

Eric Kingman: This is going to be a lot of work, and I'm assuming you'll write up a process of how to go through this work. In the timeline, there was draft management plan before the draft EIS...how does the management plan get drafted if we don't know the results of the EIS?

Malia Chow: the drafting of the management plan is what the working groups begins.

Ed Lindelof: This is common question, what comes first, the management plan or NEPA process.

Phil Fernandez: The working groups will likely have different answers for overlapping issues. Is there an iterative process to deal with this, like go to staff, then go to SAC, then back to working group?

Ed Lindelof: That's kind of the role of the staff person on the working group. They are there to indicate whether people are going in opposite directions. The SAC's job in the fall meeting would be to broker the differences between the working groups' recommendations. There has never been a big difference, because of good informal coordination.

Terry O'Halloran: The way the SAC is organized, there's an executive committee, and this includes working group chairs. There is a structure that's already in place.

Adam Pack: To Phil's point, it was recognized that there would be cross-over. There will have to be communication at certain points to see where they are on issues that overlap..this will have to happen before a full SAC meeting.

Cindy Barger: There could be combined meeting of working groups to address overlapping issues.

Malia Chow: Staff recommendations, but first, here are the working group responsibilities. Working groups are iterative because they're complex and would need several meetings. Workshops would be 1-2 days. Interagency task forces would be primarily for coordination with agencies.

There are several levels of participation. You could go to the meetings and be a part of the group. The results from the meetings would also be made available to the public, so you could review and comment on that as well.

Becky Hommon: DOD wants to enhance partnership with sanctuary, so it wants to be considered as an agency. This seems like a lot to ask of people who are volunteers, but the Navy will participate to the extent it can.

Liz Kumabe: Referred to what Eric Kingma had brought up, it would be nice to be more definitive about what we're taking on, product and time.

Ed Lindelof: There's generally a work plan for working groups. Who is going to be on it? This is really important, probably the most significant thing that happens over the next couple of months.



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

Need to figure out what information the working group will need. Milestone goals for certain meetings.

Phil Fernandez: For participants, is it the SAC member and the staff person jointly forming the group? Is this reviewed by management?

Malia Chow: The staff member will assist the chair in identifying preliminary members and technical experts to include in the draft work plan that will go back to full SAC in the spring meeting.

Phil Fernandez: Organizations (e.g., Sierra Club) get added too?

Ed Lindelof: Yep, it's really about balance, don't want to stack the deck, the working group will be tainted and recommendations won't go anywhere.

Phil Fernandez asks how to address the neighbor island issue and Ed Lindelof answers that it's not certain what the best way is, but he's already seen that there are unique community personalities.

Cindy Barger: Regarding Eric Kingman's comment, the staff person does the legwork on behalf of the working group...the outline goes to the group.

Adam Pack: historically for working groups in this SAC, we've allowed any SAC member to be involved if they want to. I'd like to maintain that.

Ed Lindelof: Also, going back to integrating overarching concerns, it can be effective to have for example an ocean user on every working group.

Joe Paulin: I'll pull together examples of working group work plans and I'll send that to the SAC.

Terry O'Halloran: How many working groups did Olympic Coast and Stellwagen have?

Ed Lindelof: Too many, 20 in the JMPR, Stellwagen had a dozen or so, Olympic Coast had about 23 issues. I'm of the mind that you want to keep the working groups lean, a manageable size and focused. Particularly when you think about money.

Sharon Pomroy asks how many of the sanctuaries dealt with indigenous issues and Ed Lindelof points out that Olympic Coast had a really major issue with the coastal tribes. Also the monument.

Sharon Pomroy: Is it possible to get information about the indigenous working groups? It would be good to see how that was dealt with.

Ed Lindelof: If after considering this, and starting to write plans, things can change / combine if it doesn't work out the way this is. In the spring, the SAC may want to make adjustments.



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

Eric Kingma asks what the climate change group would address and Paul Wong answers that it's up to the working group to decide, what are the issues that need to be on the agenda.

Allen Tom notes that climate change is a priority for NOAA so we have to put it out there.

Reg White: For efficiency, water quality, offshore development, ecosystem protection seem so intertwined, so couldn't they be one group?

Phil Fernandez: It doesn't seem like you need to make that decision now, maybe if the membership overlaps you can combine them later.

Sharon Pomroy: Is it possible for a working group to get together and find that there's no recommendation to make?

Ed Lindelof: We're honoring the public's concerns to scrutinize the issue to see if there's a role for the sanctuary. You'll get all the raw data in the scoping report.

Adam Pack: Robin Newbold, do you have a perspective for the water quality question since you have experience with it in Maui?

Robin Newbold: It makes sense to start out with it as its own issue. Inevitably, it relates to ecosystem protection. My concern is that people from very different communities come together in one working group, and those communities have different desires, so the working group will end up a mish mash in the middle. There can be so many different interests within a working group. For example, with fishers there's different kinds of fishing, then there's differences in different ethnic groups.

Kehau Watson: I like these as a starting point through next spring. I'd like to see dynamic interaction between working groups too.

Cindy Barger: Note, climate change does need to be acknowledged under NEPA too. It would also be good to have goals and objectives in addition to the outcomes and products.

Adam Pack: I'd like to hear why humpback whale protection and offshore development are proposed workshops rather than working groups.

Joe Paulin: I'm currently working on a workshop for aquaculture this is a follow-up to a meeting that took place in the fall 2009.

Adam Pack: But they're not handling the public comments.

Ed Lindelof: Why couldn't the comments just be included already?

Allen Tom: There's already an agenda. Realize that it may be too late to get what we want out of it.



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

Teri Leicher: The offshore development is much more than aquaculture, so that needs to be addressed somewhere.

Adam Pack: Do people feel that's sufficient? Or do people need to attend that workshop? I'm just concerned that none of those comments which were binned gets lost.

Teri Leicher: Someone should just bring the aquaculture comments to that workshop.

Nan Howell: There could be back-to-back meetings around the two parts of the bin.

David Mattila: Regarding the humpback whale protection bin which we recommend as a workshop...Since we already have a lot of the expertise at the table, we're not starting at new ground. We could get it done in a two-day workshop.

Ed Lindelof: I'm really hearing that Offshore Development should be split. Have the aquaculture workshop, and then everything else (other offshore development) could be a working group.

Robin Newbold: What about climate change? Could it be covered as a workshop rather than a working group? And what about Ocean Literacy as something that is in everything?

Adam Pack: We keep coming back to the notion that we will start small, make progress, etc.

Terry O'Halloran: I see the executive committee playing a really crucial role, maybe they need the authority to make appropriate changes between now and next spring.

### **DESIGNATION OF CHAIRS AND SAC PARTICIPANTS IN WORKING GROUPS**

Adam Pack: I'd not like to assign chairs, but see if people are interested in chairing one of these working groups.

Malia Chow: To clarify, staff will provide a lot of support to the chair.

The following members volunteered and were selected to chair working groups:

Robin Newbold: Water Quality.

Adam Pack: Ecosystem Protection.

Liz Kumabe: Ocean Literacy.

Kehau Watson: Native Hawaiian Culture.

Teri Leicher: maritime heritage.

Eric Kingma: climate change.



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

Phil Fernandez: offshore development.

Adam Pack: You need SAC partners for the other things too? I'll do humpback whale protection workshop.

Michael Stanton: I'll help with the aquaculture workshop until my trip.

Malia Chow: for the interagency task forces, indicate what agencies are interested?

Becky Hommon: I'm interested in participating in enforcement.

Eric Roberts: Part of the logic for a task force is that operational planning, patrol, etc can't be shared with the public. I suggest that there's a separate working group that is open to the public, and then retain the task force part too.

Adam Pack: let's leave the enforcement one for now.

Lisa Van Atta: Either me or my staff would like to be involved in the marine animal assessment and response

Eric Roberts: I'll be in Marine Animal Assessment and Response

Lisa Van Atta: I'll definitely be involved in management effectiveness

Cindy Barger: We'll participate as it relates to our activities.

Marnie Meyer: Me too.

Adam Pack: Back to enforcement...

Becky Hommon volunteers for enforcement.

### **Officer Elections (Chair and Vice Chair)**

Jim Coon and Liz Kumabe offered reasons for wanting to be vice chair.

**Break:** Adam Pack calls for a break at 3:05 p.m.

**Call to Order:** Adam Pack reconvenes the meeting at 3:25 a.m.

Reviewing working group preliminary sign-ups.

Ocean Literacy: Becky Hommon, Gina McQuire

Water Quality: Robin Newbold for now, Take Tomson



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

Maritime Heritage: Teri Leicher, Becky Hommon, Terry O'Halloran

Humpback Whale: Nan Howell, Eric Roberts, Jim Coon

Ecosystem: Nan Howell, Eric Kingma, Eric Roberts, PIRO, Teri Leicher, Take Tomson

Native Hawaiian: Gina McGuire, Eric Kingma, Sharon Pomroy

Climate Change: Marnie Meyer, Liz Kumabe as consultant / Teri Leicher would like to combine with the Blue Seas Initiative

Enforcement: Eric Roberts, Teri Leicher, Take Tomson

Offshore: Eric Kingma, DBEDT, Jim Coon

Aquaculture: Eric Kingma, Phil Fernandez

### **SAC Recruitment – Appoint Review Committee**

SAC recruitment has been extended until January 15<sup>th</sup>.

Sharon Pomroy, Phil Fernandez, Kehau Watson, and Robin Newbold volunteer for the review committee.

### **FY 2011 Meeting Schedule**

Adam Pack: Next meeting on Maui, March 4-5.

### **Announcements**

Kehau Watson asked about climate change seat on the SAC, and Joe Paulin responds that the meeting next spring would be the appropriate time to bring that up.

Gina McGuire gives a presentation about her experience at the scoping meeting in Hilo. She supports using the Navigating Change video. She discusses the potential of a youth working group, and what their objectives and goals would be. She shares a draft of an article that could go into a magazine like Hana Hou or Ke Ola, and suggests that publications like Sanctuary Watch and the Journal of Marine Education could go into schools. She offers suggestions for science curriculum.

Patty Miller: I'm really impressed with your initiative to move forward.

Adam Pack: We'd be interested in what the objectives are for a youth working group, so maybe you could work on that and present it at the April meeting if you want.

Lisa Van Atta: I'd like to share good news, the false killer whale has been proposed for protection by NOAA Fisheries, and comments are being taken until January 25.

Hans Van Tilburg gives a presentation on maritime heritage.

### **Reports**

Superintendent report: Allen Tom highlights the World Heritage Site designation for the monument. He notes that Fagatele Bay is a few years ahead of HIHWNMS in the MPR process.





## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

He summarizes the committee process for the superintendent search; second round of interviews will be held in January. He announces that we'll be holding a Blue Ocean Film Festival in July 9-14.

Malia Chow stands on her report.

State report: Lisa White wants to correct that the vacancy for DAR has been since April, and that posting is top priority.

Adam Pack stands on his Research Committee report.

Nan Howell stands on her Hawai'i County report.

Sharon Pomroy stands on her Kaua'i County report.

Robin Newbold stands on her Maui County report.

Liz Kumabe stands on her Education Committee report.

Adam Pack stands on his Acting Chair report.

Mike Stanton stands on his Aquaculture Working Group report.

Phil Fernandez wants to add a personal comment to his report from the Fishing Seat: he's realized that his responsibility expands across the whole state, and he doesn't have a way to interact with fishermen elsewhere. He's been able to create a network via email, but he hopes to be a liaison face-to-face as well, and currently feels hog-tied.

Joe Paulin: we do have WebEx capability, so I can work with you to arrange conference calls too.

Eric Roberts left, but previously said he would stand on his USCG report.

Ed Lyman gives an overview of *In the Wake of Giants* prior to screening.

### **Review of Decisions and Action Items from the Meeting**

Approve minutes

Approve the start of the list of issues/solutions, overarching guidelines.

Formed working groups with their SAC chairs.

### **Adjournment**

Malia Chow reiterates the next steps for work plan development. Staff will support the chairs in developing work plans, which will be presented to full SAC at the next meeting.

COUNCIL ELECTION RESULTS: Joe Paulin reports on results of the election: Adam Pack is officially the chair, Liz Kumabe is the new vice-chair.



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

Adam Pack adjourns the meeting at 4:37 pm.